

### Remarks

In the Office Action dated September 1, 2009, the examiner rejects claims 40-43 under 35 U.S.C. 103(a) as being unpatentable over Heo et al (US5987417) in view of Endoh et al (US5896358).

Per the above amendment, claim 41 has been amended. The featured structure in amended claim 41 is that the audio title set has audio packs, and the audio packs include a down-mix mode information for assigning whether or not inhibiting down-mix stereo output from the multi-channel digital audio signal. This structure is supported by Figs. 43 and 60 in the present application.

The signal encoding apparatus of amended claim 41 has the following advantage. Since the audio packs include a down-mix mode information, it is possible (for the user) to set either the allowance or the inhibition of down-mix stereo output on an audio-pack by audio-pack basis.

The Examiner admits that Heo (US5987417) does not explicitly teach including a down-mix mode information for assigning whether or not inhibiting down-mix stereo output from the multi-channel digital audio signal.

Regarding down mix, the Examiner refers to Endoh (US5896358), column 9, lines 19-27, and column 10, lines 16-32. According to these portions of Endoh, the mode sensor 163 judges whether the mode represented by the bit stream information data in the inputted audio stream signal is a surround mode or a special playback mode. If it is the surround mode, the down mixer 161 does not subject the audio data to a down-mixing process. If it is the special playback mode, the control circuit 168 controls the display unit 169 to indicate the choices selectable in the special playback mode. After one choice is selected from the indicated choices by operating the input section 164, the control circuit 168 controls the special-use mixing coefficient generator 167 so that the down mixer 161 will implement a down-mixing process in accordance with the selected choice.

Endoh therefore does not teach the structure in amended claim 41 that the audio packs include a down-mix mode information for assigning whether or not inhibiting down-mix stereo output from the multi-channel digital audio signal. Heo likewise fails to teach such.

Thus, neither the apparatus of Heo nor the apparatus of Endoh provides the advantage of the apparatus of amended claim 41 that it is possible (for the user) to set either the allowance or the inhibition of down-mix stereo output on an audio-pack by audio-pack basis.

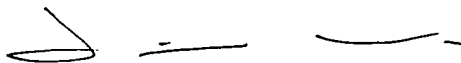
Accordingly, amended claim 41 is submitted to be patentable over Heo and Endoh.

Claim 42 is directed to an apparatus for decoding the digital audio signal encoded by a signal encoding apparatus of amended claim 41. The apparatus of claim 42 is responsive to the down-mix mode information. Accordingly, it is submitted that claim 42 is also patentable over Heo and Endoh.

Claim 43 is directed to a player for reproducing audio contents from the digital signal encoded by a signal encoding apparatus of amended claim 41. The player of claim 43 is responsive to the down-mix mode information. Accordingly, it is submitted that claim 43 is also patentable over Heo and Endoh.

Given that the pending claims are believed to be patentable over the cited prior art, the examiner is respectfully requested to enter this amendment, reconsider the application and pass the same to issue at an early date.

Respectfully submitted,



---

Louis Woo, Reg. No. 31,730  
Law Offices of Louis Woo  
717 North Fayette Street  
Alexandria, Virginia 22314  
Phone: (703) 299-4090

Date: Nov 20, 2009